

WATER QUALITY STANDARDS FOR STREAMS

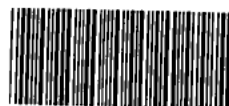
Section 1 - Intent

1. It is the policy of the State to maintain within its jurisdiction a reasonable quality of water consistent with public health and public recreation purposes, the propagation and protection of fish and wildlife, as well as the industrial development of the State.
2. Where conflicts develop between stated water uses, stream criteria or discharge criteria, water uses designated for each segment shall be paramount in determining the required stream criteria, which, in turn, shall be the basis of specific discharge limits.

Section 2 - Antidegradation Statement

1. Delaware stream water quality shall be maintained so that existing beneficial uses are protected. Any actions that would interfere with or become injurious to existing uses shall be prohibited.
2. High quality waters shall be maintained at their designated high quality unless it is shown by the discharger to the satisfaction of the Department that limited degradation below the designated high quality is economically and environmentally justifiable. Determinations of such high quality waters shall be made based on historical water quality data. Waterways designated as high quality waters shall be declared by the Department after a public hearing on proposed designation of high quality waters.
3. Degradation in violation of any water quality criteria or standards contained herein shall be prohibited.
4. Upon receipt of an application for a permit to discharge into a stream segment or subsegment, whether an intermittent stream or not, a public hearing may be held in accordance with the provisions of 7 Del. C., §6004 and 6006. It shall be the responsibility of the applicant to demonstrate that the proposed new or modified discharge will not cause degradation of tidal or nontidal waters, or that limited degradation is economically and environmentally justifiable. This shall include, but not be limited to, an evaluation of alternative discharge sites and waste disposal methods.
5. The hearing requirement imposed by §2.4 above shall not be construed to impose a requirement for an additional public hearing where such a hearing is otherwise held pursuant to law, provided the requirements of this section are thereby met.

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Section 3 - General Stream Criteria

1. The following minimum conditions shall be applicable to all waters, including intermittent streams, at all times.
 - (a) The water shall not contain substances attributable to municipal, industrial, agricultural or other discharges in concentrations or amounts sufficient to be harmful or adverse to water uses to be protected, or to humans, fish, aquatic life and wildlife;
 - (b) Water quality shall not disturb ecological food webs nor impair reproduction and growth of fish normally present;
 - (c) Water shall be free of floating solids, sludge deposits, debris, oil and scum.

Section 4 - Conditions/Exceptions

Where water quality standards are found to be unattainable, exceptions may apply:

1. In the discretion of the Department, water quality standards may not be required to be achieved in transition zones which may exist between adjacent zones of water quality.
2. In the discretion of the Department, water quality standards may not be required to be achieved in mixing zones.
3. Water quality standards for segments of basins may be unattainable because of natural conditions which may occur. In such cases, the unattainable criteria for the segment of the basin in question will be evaluated and modified by the Department as it deems appropriate. Where adopted water quality criteria are more stringent than the ambient stream concentrations of specific water quality indicators, such ambient stream concentrations may be deemed to be the criteria.

Section 5 - Requirements for Mixing Zones

The following requirements shall apply to mixing zones.

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1. Location: Mixing zones shall not be located in biologically important areas, including but not limited to, nursery areas for aquatic life and water fowl. The stream or river channel is not to be included in any mixing zone in order to allow for the passage of anadromous fish.
2. Size: Any mixing zone shall not utilize more than approximately one-third of the receiving stream's width, and 10% of the area if the receiving water is a lake or estuarine stream.
3. Shape: "Shore hugging" plumes shall be prohibited by the Department.
4. Outfall Design: Outfalls shall be designed to provide maximum protection to humans, aquatic life and wildlife.

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5. In Zone Quality: Waters in the mixing zone shall be free of the following:
- (a) Materials in concentration that exceed 96-hour LC50 for biota significant to the indigenous (and diadromous) aquatic and marine community;
 - (b) Materials in concentration that settle to form objectionable deposits, or smother or otherwise harm bottom dwelling aquatic and marine life or their habitats downstream from the mixing zone proper;
 - (c) Floating debris, oil scum and other matter in concentrations that constitute a nuisance;
 - (d) Substances in concentration that produce objectionable color, odor, taste or turbidity; and
 - (e) Substances in concentrations which produce undesirable aquatic or marine life or result in a dominance of one or more nuisance species or result in the loss of species diversity.
6. Heat dissipation areas shall not be longer than 3,500 feet, or twenty times the average width of the stream, whichever is less, measured from where the waste discharge enters the stream. In tidal streams, except for the Delaware River and Bay, the most restrictive length as determined herein shall be applied both upstream and downstream as measured from the point of discharge.
7. Within any one heat dissipation area, only one shore shall be used in determining the limits of the area. The determination in estuarine waters shall take into special consideration extent and nature of such water so as to meet the extent and purpose of the criteria and standards in order to provide for the passage of free swimming and drifting organisms so that negligible or no effects are produced on their populations. Except for the Delaware River and Bay, at least 66% of the stream width, as measured at the extreme width of the heat dissipation area, shall remain free as a zone of passage for aquatic biota.

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Section 6 - Definitions

Agriculture:

The use of land in the production of food, fibre, and timber products.

Ambient Stream Concentration:

The concentration or level of a water quality parameter which occurs under natural conditions.

Antidegradation:

Any action or plan of action which stops or reverses the lowering of water quality.

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Average Daily:

The arithmetic mean of measurements taken in a 24-hour period. Sufficient number of measurements must be taken to assure reasonable reflection of actual water quality.

Cold Water Fish:

Maintenance and/or propagation of fish species including the family Salmonidae and additional flora and fauna which are indigenous to a cold water habitat.

Department:

Department of Natural Resources and Environmental Control.

Degradation:

Any adverse change in water quality.

Drainage:

The process of reducing the amount of water in the soil.

Designated Water Uses:

Primary assignment for a stream segment as set forth by the Department herein at Section 7.

Diadromous Fish:

Any species of fish which mature in the sea, and migrate upstream to spawn or — mature upstream and migrate downstream to spawn.

Fish, Aquatic Life & Wildlife:

All animal life found in Delaware, either indigenous or migratory, considered game or not, including any and all endangered species and eggs thereof.

Food Web:

The complex feeding relationships between all species.

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High Quality Waters:

Waters whose quality for one or more specified parameters as determined by the Department is exceptionally better than the established water quality standards for one or more such specified parameters.

Industrial Water Supply:

Any stream or impoundment used as a source of water for any industrial purpose, including non-contact cooling.

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LC50 Value:

The concentration of pollutant in waters that is lethal to 50% of the test organisms during a specified period of time.

Mixing Zone:

A mixing zone is an area contiguous to a discharge where receiving water quality may meet neither all quality criteria nor requirements otherwise applicable to the receiving water. Requirements for mixing zones are described in Section 5.

Natural Conditions:

Non-man-induced conditions, such as, but not limited to, soil profiles, wildlife, forest and/or marshland habitat, and seasonal factors.

Navigation:

Use of the water for the transfer and transport of persons, animals and goods.

Non-tidal Waters:

Waters which have no cyclic ebb and flow.

Primary Contact Recreation:

Uses involving prolonged intimate body contact with water in which there is a significant risk of ingestion (e.g., swimming, water skiing).

Public Water Supply:

Any stream or impoundment used as a source of drinking water for human consumption.

Secondary Contact Recreation:

Uses involving water as a pleasurable setting for activities in which there is an insignificant risk of ingestion (e.g., boating, fishing, picnicking, hiking, wading).

Shellfish:

Any species of fresh, brackish or salt-water Mollusk, commonly considered to be edible is to be considered a shellfish (e.g., clams, mussels, oysters, scallops, welks). This definition includes eggs and larvae of all applicable species. (For the purpose of these standards, the term does not include crabs, shrimp, or lobsters.)

Transition Zone:

Areas between two adjacent zones of varying water quality or hydrologic conditions.

Temperature:

The normal temperature for streams is the average daily temperature for the month.

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Tidal Waters:

Water which ebbs and flows cyclically.

Toxic Substances:

All materials, whether organic or inorganic, considered harmful (synergistically or otherwise) to humans, fish, wildlife, or aquatic life.

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Section 7 - Stream Basins & Designated Protected USES

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	Public Water Supply	Industrial Water Supply	Primary Contact Recreation	Secondary Contact Recreation	Fish, Aquatic Life & Wildlife	Cold Water Fish	Shellfish	Agriculture	Navigation	Drainage	Diadromous Fish
1. Appoquinimink River	(b)	(b)	(c)	X	X	-	-	(e)	(d)	X	X
2. Atlantic Ocean	(b)	(b)	X	X	X	-	X	-	X	X	X
3. Blackbird Creek	(b)	(b)	(c)	X	X	-	-	(e)	(d)	X	X
4. Brandywine River	(b)	(b)	X	X	X	(f)	-	(e)	-	X	X
5. Broad Creek	(b)	(b)	(c)	X	X	-	-	(e)	(d)	X	X
6. Broadkill River	(b)	(b)	(c)	X	X	-	X	(e)	(d)	X	X
7. Buntings Branch	(b)	(b)	-	X	X	-	-	(e)	X	X	-
8. Cedar Creek	(b)	(b)	(c)	X	X	-	X	(e)	X	X	X
9. Chesapeake & Delaware Canal	(b)	(b)	-	X	X	-	-	-	X	X	X
10. Chesapeake Drainage System	(b)	(b)	(c)	X	X	-	-	X	-	X	X
11. Choptank River	(b)	(b)	(c)	X	X	-	-	X	-	X	X
12. Christina River	(b)	(b)	(c)	X	X	(g)	-	(e)	(d)	X	X
13. Dragon Run Creek	(b)	(b)	(c)	X	X	-	-	(e)	(d)	X	X
14. Delaware Bay	(b)	(b)	X	X	X	-	X	-	X	X	X
15. Delaware River	(b)	(b)	(a)	X	(b)	-	-	-	X	X	X
16. Lewes & Rehoboth	(b)	(b)	-	X	X	-	X	-	X	X	X
17. Indian River	(b)	(b)	X	X	X	-	X	(e)	(d)	X	X
18. Indian River Bay	(b)	(b)	X	X	X	-	X	-	X	X	X
19. Iron Branch	(b)	(b)	X	X	X	-	X	(e)	(d)	X	X
20. Leipsic River	(b)	(b)	(c)	X	X	-	X	(e)	(d)	X	X
21. Little Assawoman	(b)	(b)	X	X	X	-	X	(e)	(d)	X	X
22. Little River	(b)	(b)	-	X	X	-	X	(e)	(d)	X	X
23. Marshyhope Creek	(b)	(b)	(c)	X	X	-	-	X	X	X	X
24. Mispillion River	(b)	(b)	(c)	X	X	-	X	(e)	(d)	X	X
25. Murderkill	(b)	(b)	(c)	X	X	-	X	(e)	(d)	X	X
26. Naaman's Creek	(b)	(b)	-	X	X	-	-	-	-	X	X
27. Nanticoke River	(b)	(b)	(c)	X	X	-	-	(e)	(d)	X	X
28. Red Clay Creek	(b)	(b)	(c)	X	X	(h)	-	(e)	(d)	X	X
29. Red Lion Creek	(b)	(b)	-	X	X	-	-	X	-	X	X
30. Rehoboth Bay	(b)	(b)	X	X	X	-	X	-	X	X	X
31. St. Jones River	(b)	(b)	(c)	X	X	-	X	(e)	(d)	X	X
32. Shellpot Creek	(b)	(b)	-	X	X	-	-	-	-	X	X
33. Smyrna River	(b)	(b)	(c)	X	X	-	-	(e)	(d)	X	X
34. White Clay Creek	(b)	(b)	(c)	X	X	(i)	X	(e)	-	X	X

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* includes harvestable and non-harvestable waters under present health restrictions

X this designated water use to be protected throughout entire Basin

- water uses not designated in the Drainage Basin

Note: (See KEY next page)

KEY

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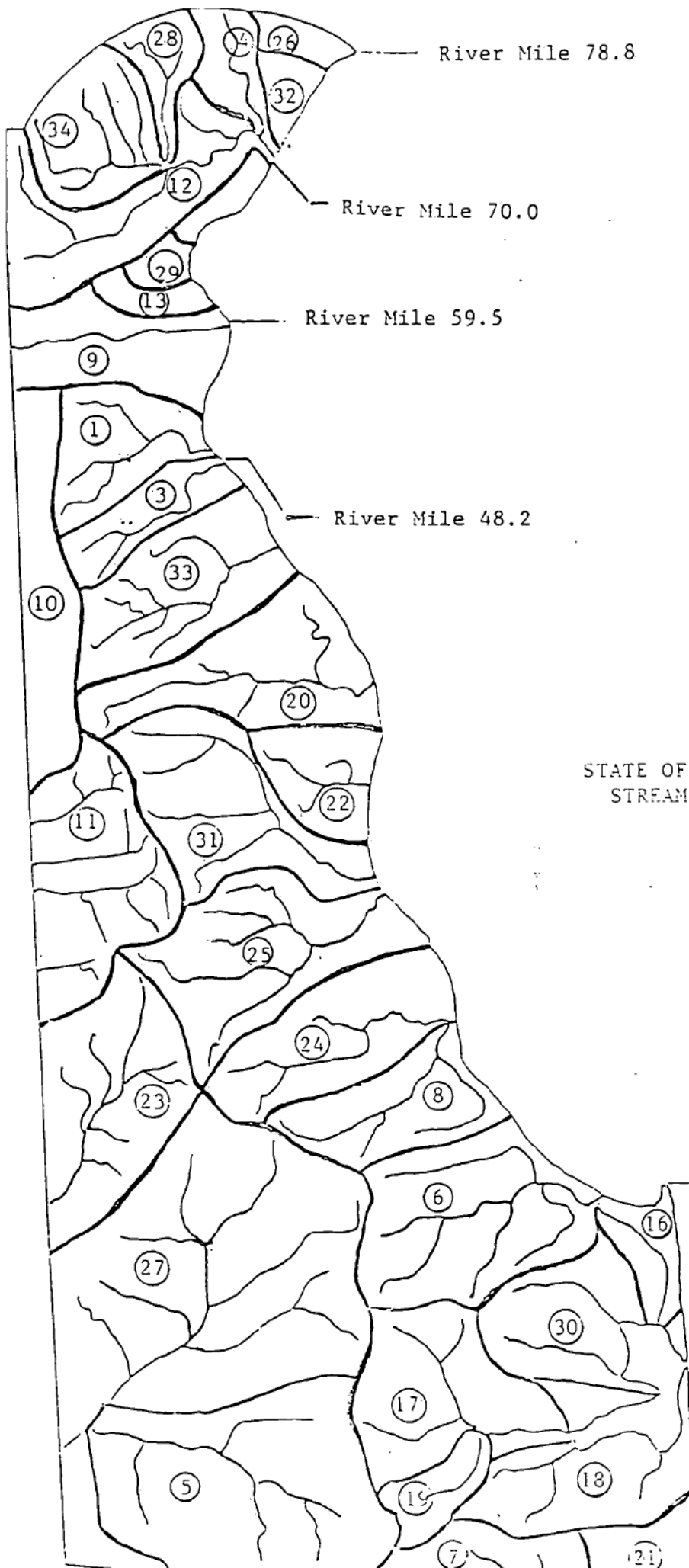
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- (a) designated use between River Mile 48.2 and River Mile 59.5
- (b) designated use between River Mile 48.2 and 70.0
- (c) designated use for lakes and ponds only within the Stream Basin
- (d) designated use for tidal portions of the Stream Basin only
- (e) designated use for non-tidal portions of the Stream Basin only
- (f) designated use from March 15 to June 30 on:
 - i. Beaver Run from PA-DE line to Brandywine
 - ii. Wilsons Run from Rt. 92 through Brandywine Creek State Park
- (g) designated use from March 15 to June 30 on:
 - i. Mill Creek from Brackenville Road to Route 7
 - ii. Pike Creek from MD-DE line through Rittenhouse Park
- (h) designated use from March 15 to June 30 on:
 - Red Clay Creek from PA-DE line to the concrete bridge above Yorklyn
- (i) designated use year around on White Clay Creek from the PA-DE line to the dam at Curtis Paper

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STREAM BASINS

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River Mile 0.0

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Section 8 - Stream Quality Criteria

A. General criteria for all non-tidal portions of stream basins.

<u>Indicator</u>	<u>Unit of Measurement</u>	<u>Criteria</u>
Temperature	$^{\circ}\text{F}$	Any artificially induced rise shall not exceed 5°F above the seasonal normal temperature or 85°F (29°C) whichever is less.
Dissolved Oxygen	Mg/l	The dissolved oxygen levels shall not be less than an average daily value of 5.0 mg/l nor go below a minimum 4.0 mg/l at any time.
pH	Unit	Shall be between 6.5 to 8.5
Total Alkalinity	Mg/l as CaCO_3	Shall not be less than 20 mg/l at any time.
Total Acidity	Mg/l as CaCO_3	Shall not exceed alkalinity by 20 mg/l at any time.
Fecal Coliform	Colonies/100 ml	Based on a minimum of not less than five consecutive samples taken on separate days, the fecal coliform bacterial level should not exceed a geometric mean of 200/100 ml, nor should more than 10 percent of the total samples taken during a 30 day period exceed 400 per 100 ml.
Alpha Emitters	pico curies/l	Maximum 3 pc/l.
Beta Emitters	pico curies/l	Maximum 1,000 pc/l.
Taste, Odor & Color Causing Substances		None in concentrations which cause tastes, odors, color, or impact tastes to edible fish flesh and aquatic and marine life.
Phenolic Compounds	Mg/l	Shall not exceed .005 mg/l.
Toxic Substances	Mg/l	None in concentration harmful (synergistically or otherwise) to humans, fish, wildlife and aquatic life as prescribed in the Environmental Protection Agency's "Quality Criteria for Water", 1976.

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<u>Indicator</u>	<u>Unit of Measurement</u>	<u>Criteria</u>
Turbidity	Nephelometric or Formazin Turbidity Units	Shall not exceed background values by 10 units or attain a maximum of 25 units.
Specific Toxic Substances		
DDT	ug/l	0.02 ug/l.
Toxaphene	ug/l	0.25 ug/l.
Endrin	ug/l	0.02 ug/l.
PCB's	ug/l	0.02 ug/l.
Lindane	ug/l	0.004 ug/l.
Methoxychlor	ug/l	0.10 ug/l.
Total Residual Chlorine	mg/l	0.01 mg/l.

B. Specific exceptions/additions to general non-tidal criteria found in 8A. Any repeated indicator/criteria found here supersedes that of 8A.

1. Streams designated as sources of public water supply in Section 7.

<u>Indicator</u>	<u>Unit of Measurement</u>	<u>Criteria</u>
Ammonia-N	Mg/l	Shall not exceed 0.4 mg/l.
Total Nitrogen-N (TKN, Nitrite, and Nitrate as N)	Mg/l —	Shall not exceed 3.0 mg/l.
Total Dissolved Solids	Mg/l	Shall not exceed 250 mg/l of which sulfate portion shall not be greater than 100 mg/l.
Fluorides	Mg/l	Shall not exceed 0.2 mg/l at any time.
Actinomycetes	Colonies/100 ml	None attributable to waste dis- charges.

2. Streams designated as sources of cold water fish in Section 7. Any repeated indicator/criteria found here supersedes that of 8A.

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<u>Indicator</u>	<u>Unit of Measurement</u>	<u>Criteria</u>
Dissolved Oxygen	Mg/l	No less than 6.0 mg/l at any time, during the season as is designated in Section 7.

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C. General criteria for all tidal portions of stream basins.

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<u>Indicator</u>	<u>Unit of Measurement</u>	<u>Criteria</u>
Temperature	$^{\circ}\text{F}$	Coastal and Estuarine waters: No heat may be added except in designated mixing zones which would cause temperatures to exceed 85°F (29°C), or which would cause the temperatures to be raised by more than 4°F (2.2°C) during September through May, or to be raised by more than 1.5°F (0.83°C) during June through August. The rate of temperature change in designated mixing zones shall not cause mortality of fish, shellfish, their eggs or larvae.
Dissolved Oxygen	Mg/l	The dissolved oxygen levels shall not be less than an average daily value of 5.0 mg/l nor go below a minimum of 4.0 mg/l at any time.
pH	Unit	Shall be between 6.5 to 8.5.
Total Alkalinity	Mg/l as CaCO_3	Shall not be less than 20 mg/l at any time.
Total Acidity	Mg/l as CaCO_3	Shall not exceed alkalinity by 20 mg/l at any time.
Alpha Emitters	pico curies/l	Maximum 3 pc/l.
Beta Emitters	pico curies/l	Maximum 1,000 pc/l.
Taste, Odor & Color Causing Substances		None in concentrations which cause tastes, odors, color, or impact tastes to edible fish flesh and aquatic and marine life.
Toxic Substances	Mg/l	None in concentrations harmful (synergistically or otherwise) to humans, fish, wildlife and aquatic life as prescribed in the Environmental Protection Agency's "Quality Criteria for Water", 1976.

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<u>Indicator</u>	<u>Unit of Measurement</u>	<u>Criteria</u>
Specific Toxic Substances		
DDT	ug/l	0.02 ug/l.
Toxaphene	ug/l	0.25 ug/l.
Endrin	ug/l	0.02 ug/l.
PCB's	ug/l	0.02 ug/l.
Lindane	ug/l	0.004 ug/l.
Methoxychlor	ug/l	0.10 ug/l.
Total Residual Chlorine	Mg/l	0.01 mg/l.
Phenolic Compounds	Mg/l	Shall not exceed 0.01 mg/l.
Turbidity	Nephelometric or Formazin Turbidity Units	Shall not exceed 150 units.
Fecal Coliform	Colonies/100 ml	Based on a minimum of not less than five consecutive samples taken on separate days, the fecal coliform bacterial level should not exceed a geometric mean of 200/100 ml, nor should more than 10 percent of the total samples taken during a 30 day period exceed 400 per 100 ml.

D. Specific exceptions/additions to general tidal criteria found in 8C.
Any repeated indicator/criteria found here supersedes that of 8C.

1. Tidal portions of stream basins designated as a source of shellfish as designated in Section 7.

<u>Indicator</u>	<u>Unit of Measurement</u>	<u>Criteria</u>
Total Coliform	Colonies/100 ml	The following recommended standards of the State Board of Health will govern: The coliform median MPN of the water shall not exceed 70 per 100 ml, and not have more than 10 percent of the samples ordinarily exceed an MPN of 330 per 100 ml for a 3-tube decimal dilution test (or 230 per 100 ml where the 5-tube decimal test is used) in those portions of the area most probably exposed to fecal contamination during the most favorable hydrographic and pollution condition in designated shellfish areas. Samples shall be taken at such frequency and location as to permit valid interpretation.
Total Residual Chlorine	Mg/l	None.

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2. Tidal portions of the following stream basins: Brandywine, Christina, Dragon Run, Naamans, Red Lion and Shellpot.

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<u>Indicator</u>	<u>Unit of Measurement</u>	<u>Criteria</u>
Fecal Coliform	Colonies/100 ml	Based on a minimum of five consecutive samples taken on separate days, the fecal coliform bacterial level should not exceed a geometric mean of 770/100 ml.

3. Delaware River (PA-DE line, RM 78.8 to Liston Point, RM 48.2).

<u>Indicator</u>	<u>Unit of Measurement</u>	<u>Criteria</u>
Fecal Coliform (above RM 59.5)	Colonies/100 ml	Based on a minimum of not less than five consecutive samples taken on separate days, the fecal coliform bacterial level should not exceed a geometric mean of 770/100 ml.
Fecal Coliform (below RM 59.5)	Colonies/100 ml	Based on a minimum of not less than five consecutive samples taken on separate days, the fecal coliform bacterial level should not exceed a geometric mean of 200/100 ml, nor should more than 10 percent of the total samples taken during a 30 day period exceed 400 per 100 ml.
Dissolved Oxygen (This criteria is subject for review pending the outcome of the model Analysis of Delaware Estuary Dissolved Oxygen Objectives conducted by DRBC)	Mg/l	During April 1-June 15 and Sept. 16-Dec. 31 seasonal average concentration shall not be less than 6.5 mg/l in the entire zone. At no time shall the daily average concentration be less than 3.5 mg/l at Mile 78.8(A), 4.5 mg/l at Mile 70.0(B), and 6.0 mg/l at Mile 59.5(C).

- Note: (A) PA-DE line
(B) 3/4 mile south of the mouth of the Christina River
(C) 1/2 mile north of the Chesapeake and Delaware Canal

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4. Lewes/Rehoboth Canal

<u>Indicator</u>	<u>Unit of Measurement</u>	<u>Criteria</u>
Dissolved Oxygen	Mg/l	The dissolved oxygen levels shall not be less than an average daily value of 3.0 mg/l nor go below a minimum of 2.0 mg/l at any time.

Section 9 - Quality Assurance

The Department's Technical Services Section of the Division of Environmental Control has an on-going program for analytical quality assurance. Methods used comply with those referenced in the Federal Register, Volume 41, Number 232, pages 52780-6 where applicable and are updated periodically in accordance with procedural changes approved by the U.S. Environmental Protection Agency and published in the Federal Register.

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Addendum - General Discharge Criteria

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This section will be applicable only until the next revision of the Regulations Governing the Control of Water Pollution (scheduled for 1982). At such time, this section will be superseded by such regulations and become void.

1. Discharges shall not contain debris, visible floating oil, or other floating materials, or substances that settle to form sludge deposits. Synthetic detergents (MBAS) shall not exceed 0.5 mg/l at any time. Pollutants in discharges shall be reduced to the extent required to achieve and maintain stream quality criteria.
2. All waste discharges shall receive, at minimum, treatment necessary to comply with federal, Delaware River Basin Commission (DRBC), or Department Regulations Governing the Control of Water Pollution, whichever regulation is applicable or more stringent.
3. All discharges which contain human excreta or disease producing organisms shall be disinfected to the extent necessary to produce an effluent which does not contain fecal coliform in excess of a geometric mean value of 200 colonies/100 ml.
4. The accepted design stream flow, to which the water quality criteria as set forth in these standards shall apply, is the actual or estimated lowest seven-consecutive-day average flow that occurs once in ten years (Q_{7-10}) for a stream with unregulated flow, or the estimated minimum flow for a stream with regulated flows, except where the Department determines that a more restrictive application is necessary to protect a particular designated or existing use.
5. Where the Q_{7-10} at the point of discharge is less than 0.1 cfs, the Department shall specify the design flow. The following will apply to applications for such discharges:
 - i. Where data shows no existing or probable future uses other than drainage at the point of discharge, the assimilative capacity of the stream or segment of stream to the point where uses are identified or the Q_{7-10} becomes 0.1 cfs or greater, may be considered in establishing effluent limitations.
 - ii. Where there is no stream use data or in cases where pollution exists, a field survey may be needed to identify where fish and aquatic life uses first occur or become possible if there was no pollution.
 - iii. Effluent requirements shall protect the public health, prevent nuisance conditions and prevent pollution of waters of the State.
 - iv. Alternative discharge points must be considered.
 - v. The permit that is issued shall require abandonment of the facilities if other facilities become available for conveying and treating the sewage prior to discharge at a more desirable location from a water quality management standpoint.
6. All waste discharges shall be free of substances that injure or are toxic or produce adverse physiological responses in humans, animals and plants; and produce undesirable or nuisance aquatic life.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III - 360 E. Walnut St.
Philadelphia, Pa. 19106

SUBJECT: Delaware Legislative Budget Hearing for the Department of DNREC: MAR 11 1982
Natural Resources and Environmental Control - March 9, 1982

FROM: Edmund J. Skarnulis
Delaware Program Officer (3PM30)

TO: File

THRU: James J. Burke, Chief
State Programs Branch (3PM50)

I attended the Joint Finance Committee's hearing on March 9, 1982, which reviewed the Governor's FY '83 budget request for DNREC. Secretary Wilson and staff testified. Items of interest to EPA were:

1. DNREC has requested an increase from general revenues to compensate for lost RCRA Subtitle D funds. DNREC also testified that Hazardous Waste Program Assistance funds may be reduced next year and this may impact Phase II commitments.
2. DNREC testified that a low-side estimate for cleaning up Llangollen is \$20 million.
3. DNREC is requesting \$3.5 million in FY '83 and \$3.0 million in FY '84 to cover approximately \$9 million in obligations under the construction grant program. The balance of the \$9 million obligation would be requested in later fiscal years.

Notably missing from any discussion was the need for an L/X appropriation and the Governor's request for \$100,000 for Tybouts. The omission of L/X carries the State further down the road toward a crisis if the Clean Air Act is not amended in its favor.

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cc: Larry! *Benning* ✓
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